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REPORT
No. 682

JANE AND MARTHA CLARK

JULY 2, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FELLOWS, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3151]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3151) for the relief of Jane and Martha Clark, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to facilitate the admission into the United States of two minor half-Japanese, half-American children in the care of Master Sgt. Eric B. Clark and his wife, citizens of the United States.

GENERAL INFORMATION

Hon. Watson B. Miller, representing the American Legion, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of this legislation.

On May 22, 1951, Mr. Miller wrote the following letter to the chairman of Subcommittee No. I, Committee on the Judiciary:

THE AMERICAN LEGION,
WASHINGTON HEADQUARTERS,
Washington, D. C., May 22, 1951.

Hon. FRANCIS E. WALTER,
House of Representatives,
Washington, D. C.

DEAR MR. WALTER: On January 26, 1951, Eric B. Clark, Master Sergeant, Transportation Section, Headquarters, Japan Logistical Command, A. P. O., 343 care of Postmaster, San Francisco, wrote the national commander of the American Legion the attached letter which speaks the plight of the sergeant and Mrs. Clark.

Since the letter reached my hands there has been some exchange between Sergeant Clark and myself. In one of his letters Clark tells me that Majority Leader McCormack was appealed to by Father Edward E. Harrington, of St. Peters Church, Dorchester, Mass., at the request of Chaplain (Maj.) Richard F. Scully, of the Headquarters, Yokohama Command, A. P. O. 503. This was by letter from Chaplain Scully, dated November 20, 1950. Also on December 27, 1950, by a letter from the mother superior of the Notre Dame de Lourdes, the orphanage who gave the Clarks the two baby girls, after investigation, for adoption. Mrs. Clark and the mother superior are devoted friends. This couple being unable to have children of their own, desire to bring these two little girls to America and here legally adopt them. Their tour of duty in Japan expires in a very few months.

The appeal was properly presented to Representative McCormack. His office thought it might be desirable for a member of the House Committee on the Judiciary to propose a relief measure.

Correspondingly at this suggestion Representative Lane, of Massachusetts, introduced H. R. 3151 on March 8 of this year.

On March 15 Mr. Walter M. Besterman wrote Mr. Lane that if the Clarks were unable to procure a legal adoption decree in a Japanese court a statement should be procured attesting that the couple will proceed to legal adoption of the children in an American court upon their entry here.

I undertook to procure such an affidavit. With your permission I attach four copies of the same as attested by Richard W. Snyder, an officer of the United States Army attached to the Judge Advocate Generals Department. Also you will observe that the document is witnessed by two members of the Judge Advocates Section in Yokohama.

Mr. Besterman also suggested to Mr. Lane that a statement of release by the children's legal guardians for adoption be secured if possible. As to this perfectly proper suggestion please note from Sergeant Clark's letter that the babies were abandoned by their part-or full-Japanese mothers who gave fictitious names and addresses when questioned. I assume they may have been apprehended at the time of the act of abandonment.

Mr. Chairman I also send you herewith five photographs of the pretty children. One of them shows Mrs. Clark with Jane, 2½ years old and Martha 3 years old.

The subcommittee of which you are chairman, the full committee and the House have always sympathetic to just and appealing causes. I have noted, too, that you have inclined your heart to situation similar to the one here outlined where members of the Armed Forces are at interest.

I beg of you gentlemen to consider Mr. Lane's bill at an early moment. Sergeant Clark tells me that even after the bill should become law considerable time will be required by the Japanese Welfare Society in order to get clearance for the children. I have one or two additional letters from the Clarks should you wish to see them. It is apparent the sergeant and Mrs. Clark will be returned to the United States within 4 to 5 months.

Thank you sir, and

Very sincerely,

WATSON B. MILLER.

The committee files also contain the following pertinent information with regard to this legislation:

TRANSPORTATION SECTION,
HEADQUARTERS JAPAN LOGISTICAL COMMAND,
APO 343, c/o Postmaster, San Francisco, Calif., January 26, 1951.

Ref: American Legion, Membership No. E316140, Lynn Canal Post 12, Haines, Alaska.

NATIONAL COMMANDER, AMERICAN LEGION,
National Headquarters, Indianapolis, Ind.

DEAR SIR: My wife and I earnestly request your attention to the plight of our two foster daughters, Martha, 3 years, and Jane, 2½ years, unfortunately, of necessity, registered as Japanese citizens and therefore ineligible to accompany us home to the United States of America.

Jane and Martha were given to us for adoption, after investigation, by the mother superior, Notre Dame de Lourdes Baby Home, 68 Yamate-Cho, Yokohama, Japan.

We have been able to secure no substantiation for our belief that these children, born in the tragic aftermath of war, during the occupation, are more than half-American.

Their mothers, who may or may not have been full Japanese, gave fictitious Japanese names and addresses, when questioned after abandoning the babies shortly after birth.

We have no more time to waste on futile search for evidence that would enable our babies to return to America with us, under existing alien laws.

I have less than 9 months remaining to serve in Japan. (I have been here in the occupation Army since July 18, 1946.)

After having spent 12 of my 16 years in the Army overseas, and having had no previous chance to adopt children, it would indeed be heartbreaking for my wife and me to make our long-awaited return home without our babies.

We earnestly request you to contact Hon. J. W. McCormick, House of Representatives, Washington, D. C., to whom we appealed in November 1950, through Chaplain (Maj.) Richard F. Scully, Chaplains Corps, Headquarters Yokohama Command, APO 503, c/o Postmaster, San Francisco, Calif.

Because of the prejudice against people of the Armed Forces as foster parents, prevailing in all the States, there is no chance of our adopting other children when we get home. Further, it is impossible for my wife to give birth. These facts increase our anguish at the prospect of losing these adored children.

As a member of the Legion, I appeal to you to secure action in our behalf, either through The Honorable McCormick, or, if he is disinterested, through someone who has the interests of the Legion at heart.

Your attention is invited to a similar case, that of Deborah Elizabeth Abel. (See Private Law 530, ch. 303, 2d sess., 81st Cong.)

Be assured that these children will never become public charges and that they will be brought up as good American citizens should be.

Sincerely yours,

ERIC B. CLARK,
*Master Sergeant, Transportation Section,
Headquarters, Japan Logistical Command.*

As references, I submit: Mrs. Crump Garvin, care of Maj. Gen. Crump Garvin, United States Army, Headquarters, Yokohama Command, APO 503, care of Postmaster, San Francisco, Calif.; Col. G. Ordway, Jr., Infantry, Chief of Staff, Headquarters, Northern Command, APO 309; Lt. Col. Thomas A. Sabatelli, Transportation Corps, First Army, Manhattan Motor Vehicle Pool, One Thousand Two Hundred and Sixty-fifth Army Service Unit, United States Government Building, Forty-eighth Street and Northern Boulevard, Long Island City, N. Y.

AFFIDAVIT

CITY OF YOKOHAMA,
*Kanagawa Prefecture,
Honshu, Japan, ss:*

M/Sgt. Eric B. Clark and Helen H. Clark, being each first duly sworn on oath, depose and say:

That they are husband and wife having been married at Kansas City, Kans., on December 27, 1946, by the then Probate Court Judge Clark E. Tucker; that the serial number of Master Sergeant Clark is R A6137635 and he is presently assigned to the Transportation Section, Headquarters, Japan Logistical Command, APO 343, care of Postmaster, San Francisco, Calif.; that they are desirous of adopting two children, one whose name is Martha, age 3½ years, and the other whose name is Jane, age 3 years, both of which children are partly of Japanese blood; that the children were properly given to them for adoption after due investigation, by the mother superior, Notre Dame de Lourdes Baby Home, 68 Yamato-Cho, Yokohama, Japan; that they do not have and cannot have any children of their own.

That the present tour of duty of the sergeant, he expects, will conclude approximately 6 months from the date hereof; that they desire to bring the little girls to the United States and there adopt them legally; that if they are permitted by special act of Congress to do so, they will immediately upon their arrival in the United States file a petition before the proper court for the adoption of the children; that they will never permit the children to become a charge upon the public;

that the children have no physical or mental defects and there is no reason to debar them from the United States as far as any of the requirements of the immigration law are concerned.

Further affiants sayeth not.

Given under our hands and seal this 23d day of April 1951.

ERIC R. CLARK [L. S.]
HELEN H. CLARK [L. S.]

Witnesses:

ZENA GINSBERG, JA Sect, JLC, APO 343.
ANN CHRISTY, JA Sect, JLC, APO 343.

Duly subscribed and sworn to before me this 23d day of April 1951.

RICHARD W. SYNDER, 1st Lt., JAGC,
A commissioned officer of the United States Army duly authorized to perform notarial acts per Articles of War 114.

Upon consideration of all the facts in this case, and in view of the fact that similar legislation has been enacted by the Congress on numerous occasions, the committee is of the opinion that H. R. 3151 should be enacted and it accordingly recommends that the bill do pass.

